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International Covenant on Civil and Political Rights

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Human Rights Committee

Concluding observations on the third periodic report of the Czech Republic*

Addendum

Information received from Czechia* on follow-up to the concluding observations**

[Date received: 28 December 2016]

* Since 17 May 2016, "Czechia" has replaced "Czech Republic" as the short name used in the United Nations.

** The present document is being issued without formal editing.

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Introductory notes

1. Based on the consideration of the Third Periodic Report on the Implementation of the International Covenant on Civil and Political Rights (CCPR/C/CZE/3) (hereinafter "the Report" and "the Covenant") before the Human Rights Committee (hereinafter "the Committee") on 16th and 17th July 2013, the Committee adopted the concluding observations (CCPR/C/CZE/CO/3). In paragraph 23 of these observations it called on the Czech Republic to provide within one year relevant information on its implementation of the Committee's observations contained in paragraphs 5, 8, 11 and 13 a).

2. The Czech Republic submitted a statement including the relevant information to the Committee in November 2014. After the examination of the statement by the Committee, the Czech Republic was asked by a letter of the Special Rapporteur for Follow-up to Concluding Observations from April 2015 to submit some additional information on the implementation of the selected concluding observations. This information was submitted to the Committee in January 2016. The Committee examined the information and by a letter of the Special Rapporteur for Follow-up to Concluding Observations from August 2016 asked for other additional information, which is being submitted in the present statement.

Additional information on the implementation of recommendation No. 5

3. The amendment to the Act on the Public Defender of Rights presented by the Government extends the already existing human rights competences of the defender. Specifically, the new competences should be as follows:

(a) A motion to the Constitutional Court regarding the abolishment of an act or of a section thereof due to the conflict with the constitutional order, including the Charter of Fundamental Rights and Freedoms,

(b) A legal action in public interest against discrimination, and

monitoring of the implementation of the Convention on the Rights of Persons with Disabilities.

(c) The proposal is currently still being discussed by the Chamber of Deputies of the Czech Parliament.

4. The expenses associated with the activities of the defender and his/her Office are settled from a separate chapter of the national budget, according to the Act on the Public Defender of Rights.[1] In 2016, the Office had at its disposal a total budget exceeding CZK 101 million, according to the approved national budget. The budget for 2017 works with the sum of approx. CZK 110 million. In 2016, there was a total of 127 employees employed by the Office, of which 80 were lawyers dealing with the expert activities of the defender.

Additional information on the implementation of recommendation No. 8

5. Various activities of the Campaign against Racism and Hate Crimes have taken place in 2014 and 2015. A research on the attitudes of young people towards hate violence was conducted and showed, that young people tend to believe some hoaxes about Roma (though in less than 50%) and feel quite certain about them although they do not have any personal experiences with Roma. They also tend to evaluate situations stricter and more negative when Roma are involved, resulting in limiting benefits and conversely extending sanctions towards Roma. The campaign will aim to change these attitudes. The webpage of

[1] Section 26 of Act on the Public Defender of Rights.

the campaign[2] publishes explanations and corrections of the most notorious hoaxes as well as other useful information for hate crime victims, their families and friends and stories on various people and situations showing the diversity of modern society and positive examples and good practices how to tackle the problems of minorities and people with special needs (not only ethnic minorities, but also the elderly, people with disabilities, LGBT, children, women etc.). Until present, there are more than 200 "Hate Free zones" in the Czech Republic, where people can meet without the fear of hate violence, and the "hatefree.cz" internet community has more than 4.000 members. The Facebook community has been liked by more than 50.000 people so far and the Twitter account is being followed by almost 2.000 people. There have been 536 TV spot and 238 Radio spot emissions in 2014 watched by almost 2 million people and other 430 such spots in 2015. The campaign materials like posters, stickers, badges etc. are being distributed among the public. Educational activities will be implemented in 2016 and the campaign will continue until April 2017.

6. There are various projects focused on Roma history and culture in the Czech Republic. Among them is for example the international Roma festival Khamoro,[3] the largest and most famous professional Roma festival in the world. The festival regularly organizes concerts of Roma music groups from all over the world, as well as putting on exhibitions, film events, dance workshops, specialized seminars and conferences. About 140.000 people from both the Czech Republic and abroad have attended the Khamoro festival in recent years. The festival is being organized by the NGO Slovo 21 in Prague since 1999 and financially supported by the Government, which provided to the festival CZK 950.000 in 2014 and CZK 1 million in 2015. Another important project is the Museum of Roma Culture in Brno,[4] which was founded in 1991 as an NGO project, but has been since 2005 financed and directed by the Ministry of Culture. The museum has received about CZK 10 million in 2014 and CZK 11.5 million in 2015. The main aim of its collections is to document Roma culture and history. Next to the permanent exhibition called The Story of the Roma, the museum offers a wide range of temporary exhibitions. It also organizes lectures and meetings, film evenings, fashion shows, concerts or books promotions and sales of music, etc. A library and the study room are available to the researchers. Besides, the museum runs the Museum Kids Club that offers a programme to children several days of the week. In 2014, the museum was visited by more than 20.000 people and in 2015 by almost 24.000 people. The Ministry of Culture supported also a project by the Faculty of Social Sciences of Masaryk University in Brno called Memory of Roma workers which shall present the history of Roma population in industrial development areas in the Czech Republic in the 2nd half of the 20th century. The memories of Roma community members about their life and their integration in the Czech society shall present how their personal experience influences the construction of their social identity and social memory. These experiences can be used in the development of the local community and fostering of inter-community relations. The project received a support of more than CZK 10 million. The Ministry of Culture supports also the publishing of Roma periodicals.

7. A special attention is given to the issue of Roma holocaust. The Government of the Czech Republic in its resolution n. 260 from 21st March 2016 confirmed its determination to take steps to remove the pig farm from the site of the Lety u Písku Memorial and resumed the negotiations with the owner of the farm to buy the farm to be able to create a dignified memorial. The negotiations are continuing at present.

[2] www.hatefree.cz.

[3] http://khamoro.cz/index.php/en.

[4] http://www.rommuz.cz/en/home/.

8. Updated statistics on crimes involving racism and extremism are introduced in the following tables. No other information is available at the moment.

Number of extremist crimes motivated by the affiliation of the victim with a certain ethnic, racial or other group or the propagation of national or racial hatred in 2015
(*Source:* Ministry of Interior)

Crime	*2015*
Violence against an individual or a group of people	17
Violence against a state official	1
Defamation of nation, race, ethnic or other groups of people	16
Instigation of hatred towards a group of persons or of restriction of their rights and freedoms	13
Racially motivated murder	0
Racially motivated bodily harm	0
Racially motivated grievous bodily harm	7
Racially motivated extortion	1
Racially motivated damaging another person's property	7
Racially motivated dangerous threats	3
Racially motivated breaking and entering of a home	1
Racially motivated disorderly conduct	23
Establishment, support and promotion of a movement seeking to suppress human rights and freedoms and expressions of sympathy for such a movement	85
Other racially motivated crimes	1

Number of prosecuted and accused persons for crimes motivated by racial hatred in 2015
(*Source:* Supreme Prosecutor's Office)

Crime	*State of process*	*2015*
Violence against an individual or a group of people	Prosecuted	22
	Charged	20
Defamation of nation, race, ethnic or other groups of people	Prosecuted	25
	Charged	24
Instigation of hatred towards a group of persons or of restriction of their rights and freedoms	Prosecuted	4
	Charged	3
Racially motivated murder	Prosecuted	0
	Charged	0

Crime	*State of process*	*2015*
Racially motivated bodily harm	Prosecuted	6
	Charged	5
Racially motivated grievous bodily harm	Prosecuted	2
	Charged	2
Racially motivated extortion	Prosecuted	0
	Charged	0
Racially motivated damaging another person's property	Prosecuted	3
	Charged	3
Establishment, support and promotion of a movement seeking to suppress human rights and freedoms	Prosecuted	8
	Charged	8
Expressions of sympathy for a movement seeking to suppress human rights and freedoms	Prosecuted	57
	Charged	47
Denial, impugnation, approval and justification of genocide	Prosecuted	3
	Charged	3

Number of convicted persons for racially motivated crimes in 2015
(*Source:* Ministry of Justice)

Crime	*2015*
Violence against an individual or a group of people	9
Defamation of nation, race, ethnic or other groups of people	17
Instigation of hatred towards a group of persons or of restriction of their rights and freedoms	1
Racially motivated murder	0
Racially motivated bodily harm	4
Racially motivated grievous bodily harm	0
Racially motivated extortion	0
Racially motivated damaging another person's property	7
Establishment, support and promotion of a movement seeking to suppress human rights and freedoms	28
Denial, impugnation, approval and justification of genocide	1
Racially motivated disorderly conduct	23
Racially motivated violence against a public official	0
Racially motivated threatening of a public official	1
Racially motivated dangerous threatening	6

Crime	*2015*
Racially motivated stalking	1
Racially motivated theft	3
Racially motivated breaking and entering of a home	3

Penalties imposed
(*Source:* Ministry of Justice)

Penalty	*2015*
Unsuspended sentence of imprisonment	5
Conditionally Suspended Sentence of Imprisonment	37
Community Service	9

Additional information on the implementation of recommendation No. 11

9. The main rules of assessing the accordance of the statutory limitation claim with good manners and the principles of justice are set by the jurisprudence of the Constitutional court. The court cannot accept any plea whose aim, according to the individual circumstances, would be only to considerably harm the other party. The court shall pay due regard to the circumstances of the case, mainly to the nature of the claim, the cause of the delay in bringing the action to court, if the claimant was responsible for the delay or not and which consequences would result from the extinction of the claim for the claimant. Generally, if the statutory limitation were to be too harsh for the claimant, who did not cause the lapse of time for bringing the action, which is of great importance for him/her and his/her interests, the court shall not accept a plea of statutory limitation and award the claim to the claimant.

10. According to our knowledge, 5 cases of unlawful sterilisation dealt with the statutory limitations of compensation claims. In the two cases already mentioned in the previous statements, the Supreme Court disregarded the plea of statutory limitation, due to their individual circumstances. In the other cases the Czech courts, including the Constitutional court, upheld the plea, again due to their individual circumstances.

11. Free-of-charge legal assistance is currently provided by courts in individual court proceedings in the Czech Republic. Claimants may, in case of a lack of financial means, request the free-of-charge appointment of a representative in civil proceedings[5] or a proxy to the victim in criminal proceedings[6] among attorneys, whose expenses are settled by the state, and an exemption regarding the costs of the court proceedings.[7] General legal assistance is also provided for by the Czech Bar Association.[8] This existing system is to be amended to ensure legal assistance available to everyone prior to the initiation of the actual proceedings. Therefore, lawyers throughout the Czech Republic shall provide brief legal counselling to persons without any means for a minimum charge, with the remaining costs to be settled by the state. The lawyers will also represent clients in administrative proceedings or in Constitutional Court proceedings, at the state's expense. The new system

[5] Section 30 of the Code of Civil Procedure.
[6] Section 51a of the Criminal Code.
[7] Section 138 of the Code of Civil Procedure.
[8] Section 18 Subsection 2 of the Act on the Legal Profession.

has been in principle approved by the Government and will now be adapted to concrete statutory regulations.

12. Concerning the initiation of criminal proceedings, the Czech Republic cannot but reiterate its previous statements concerning its criminal law system and its functioning, which is fully in line with the Covenant. Due to the principle of legal certainty and feasibility of criminal proceedings, especially the possibility to obtain and assess proofs in time and obtain a timely conviction without undue delays, the initiation of criminal proceedings is also subject to statutory limitation.[9] For the same reasons, any proceeding which has been terminated for legal reasons (the act for which the criminal proceedings were initiated did not happen, such an act is not a crime, or it is not proven that the act was committed by the accused), cannot be reopen.[10] That results in the impossibility to reopen the old cases of unlawful sterilisation.

13. At the moment, there is no specific system regarding the inspection of medical facilities providing sterilisations. These facilities are inspected regularly during the general inspections of medical facilities by the inspecting bodies. The system of inspections was described in the previous statements of the Czech Republic which also stated that the rules on obtaining consent with a sterilisation and on performing the operation are being followed by healthcare providers.

[9] Sections 34 and 35 of the Criminal Code.

[10] Section 159 of the Code of Criminal Procedure.